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Compilation on Bangladesh

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–2]

2. The United Nations country team recommended that Bangladesh ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Protocols supplementing the United Nations Convention against Transnational Organized Crime.[3] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Elimination of Discrimination against Women recommended that it ratify the International Convention for the Protection of All Persons from Enforced Disappearance.[4] The Human Rights Committee recommended that it accede to the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.[5] The country team and the United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that it ratify the Convention against Discrimination in Education.[6]

3. The Committee on the Rights of the Child recommended that Bangladesh ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[7] Both it and the country team recommended that Bangladesh ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[8]

4. The Office of the United Nations High Commissioner for Refugees (UNHCR), the country team, the Special Rapporteur on violence against women, its causes and consequences, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Human Rights Committee recommended that Bangladesh accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.[9] UNHCR and the Committee on Migrant Workers recommended that it accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.[10]

5. The Committee on Migrant Workers recommended that Bangladesh ratify the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138).[11] That Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women recommended that it ratify the ILO Domestic Workers Convention, 2011 (No. 189).[12] The Special Rapporteur recommended that it ratify all outstanding international human rights instruments and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[13]

6. The Committee on Migrant Workers recommended that Bangladesh ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.[14]

7. The Committee on the Elimination of Discrimination against Women regretted that Bangladesh had not withdrawn its reservations to articles 2 and 16 (1) (c) of the Convention on the Elimination of All Forms of Discrimination against Women, and reiterated that those reservations were incompatible with the Convention's object and purpose.[15] The country team and the Special Rapporteur recommended that it withdraw those reservations.[16] The country team recommended that Bangladesh withdraw its reservations to several treaty provisions.[17] The Committee on the Rights of the Child recommended that it withdraw its reservations to articles 14 (1) and 21 of the Convention on the Rights of the Child.[18] UNESCO encouraged it to withdraw its declaration on article 13 of the International Covenant on Economic, Social and Cultural Rights.[19] The Committee on Migrant Workers recommended that it consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[20]

8. The country team observed that Bangladesh had provided regular reports under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Bangladesh was due to submit reports under the Convention against Torture (overdue since 1999) and the International Convention on the Elimination of All Forms of Racial Discrimination (overdue since 2002).[21] It recommended that Bangladesh submit its periodic reports under those two Conventions and others.[22]

9. The country team stated that, despite many recommendations in the previous review cycles, Bangladesh remained unwilling to issue a standing invitation to special procedure mandate holders and had not accepted the numerous requests from them to visit Bangladesh. It recommended that it accept all pending requests and issue a standing invitation.[23]

10. Bangladesh contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012 and 2015.

III. National human rights framework[24]

11. The Human Rights Committee, the country team, the Committee on Migrant Workers and the Special Rapporteur were concerned that the National Human Rights Commission might not have a mandate to investigate all alleged human rights violations, including those involving State security actors. They recommended that Bangladesh increase the Commission's human, technical and financial resources to enable it to fulfil its mandate in accordance with the recommendations of the Global Alliance of National Human Rights Institutions and in compliance with the principles relating to the status of

national institutions for the promotion and protection of human rights (the Paris Principles).[25] The Special Rapporteur recommended that it establish an independent national women's commission.[26]

12. The country team recommended that Bangladesh adopt an action plan on interministerial coordination to implement the commitments made under the universal periodic review and treaty review.[27]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[28]

13. The Committee on the Rights of the Child noted efforts to combat discrimination but reiterated its concerns regarding discrimination against certain groups. It recommended that Bangladesh adopt a comprehensive strategy to eliminate de facto discrimination against all children in marginalized and disadvantaged situations and ensure the implementation of all legal provisions.[29]

14. The Human Rights Committee was concerned that the anti-discrimination bill 2015 had not been adopted; at discrimination and attacks against groups such as women, religious minorities, indigenous peoples and people from so-called lower castes; at the criminalization under section 377 of the Criminal Code of consensual sexual acts between same-sex couples and stigmatization of and harassment and violence against lesbian, gay, bisexual, transgender and intersex persons; and at barriers preventing transgender persons from gaining assistance in seeking employment.[30] The country team noted that certain groups, including sex workers and transgender persons, faced high levels of sexual and gender-based violence.[31] UNESCO encouraged it to accelerate the bill's adoption.[32]

15. The country team stated that alternative mechanisms should be introduced to protect lesbian, gay, bisexual, transgender and intersex persons and recommended that Bangladesh acknowledge the existence of sexual and gender minorities and abolish section 377.[33]

2. Development, the environment, and business and human rights[34]

16. The Special Rapporteur recommended that Bangladesh strengthen existing monitoring mechanisms to protect female workers from all forms of exploitation, particularly those working in the informal sectors, and hold businesses accountable for practices that negatively affected the health, well-being and security of workers.[35]

17. The Committee on the Elimination of Discrimination against Women expressed concern about the impact of climate change on women and girls in disaster-affected areas and the lack of a gender-sensitive approach in disaster risk reduction and post-disaster management.[36]

3. Human rights and counter-terrorism[37]

18. The Human Rights Committee was concerned about the use of unclear terminology in counter-terrorism legislation and the broad definition of "terrorist act" in the Anti-Terrorism Act of 2009, which could lend itself to arbitrary and abusive implementation. It was concerned that the anti-terrorism amendment bill of 2012 increased the maximum punishment for financing terrorism to the death penalty. It recommended that Bangladesh ensure acts of terrorism were defined in a precise manner, that the death penalty was imposed for the "most serious crimes" only and that counter-terrorism measures were not used to restrict freedom of expression and opinion of journalists and human rights defenders.[38]

19. The country team urged Bangladesh to implement counter-terrorism activities through the strengthened capacity of investigators, prosecutors and judges. It recommended

that Bangladesh maintain relevant human rights standards while countering terrorism and implement the United Nations Global Counter-Terrorism Strategy.[39]

B. Civil and political rights

1. Right to life, liberty and security of person[40]

20. The Human Rights Committee was concerned at the high number of cases where the death penalty was imposed for crimes that did not meet the threshold of the "most serious crimes" within the meaning of the Covenant.[41] The country team recommended that Bangladesh abolish the death penalty.[42]

21. The Human Rights Committee was concerned at the reported high rate of extrajudicial killings and reports of enforced disappearances and the excessive use of force by State actors, and at the lack of investigations and accountability of perpetrators, that domestic law did not effectively criminalize enforced disappearances and that Bangladesh did not accept that enforced disappearances occurred.[43] The country team and the Human Rights Committee recommended that Bangladesh revise its legislation to limit the use of force, incorporating international standards, and ensure accountability for violations; effectively criminalize enforced disappearance; and investigate all cases of arbitrary killings, enforced disappearances and excessive use of force, prosecute and punish perpetrators and establish the truth about the fate and whereabouts of victims of disappearances.[44] The country team recommended that it establish an independent commission to carry out transparent and accountable investigations and prosecutions, repeal the Special Powers Act and reform other relevant laws.[45]

22. The Human Rights Committee urged Bangladesh to put an end to the practice of torture and ill-treatment and enforce the Torture and Custodial Death (Prevention) Act, establish an independent complaint mechanism to investigate all reported allegations and ensure that alleged perpetrators of those crimes were prosecuted.[46]

23. The Human Rights Committee was concerned at overcrowding, unsanitary conditions and extortion at detention facilities.[47] The country team recommended that Bangladesh end abuses of prisoners' human rights. It noted case management issues and recommended that Bangladesh expedite the disposal of those cases, avoid prolonged custody pending trial and implement the United Nations Standard Minimum Rules for the Treatment of Prisoners.[48] The Special Rapporteur reported shortcomings in detention conditions during a visit to the women's ward in the Dhaka Central Jail. A lack of privacy made it difficult to hold confidential meetings, and there were deficiencies in the safeguards guaranteeing protection of the rights of those facing the death penalty. Some inmates were on death row for crimes that did not amount to the "most serious crimes".[49]

24. The Committee on the Rights of the Child was concerned at the reports of violence and abuse, including sexual abuse and neglect, of children in public and private institutions, family settings, alternative care institutions, schools and the community. It urged Bangladesh to take firm measures to tackle that effectively, establish an independent complaints mechanism for children and effectively investigate and prosecute those responsible.[50]

25. The Committee urged Bangladesh to enforce its national legislation to ensure that child labour complied fully with international standards in terms of age, working hours, working conditions, education and health and to ensure the protection of children against all forms of sexual, physical and psychological harassment.[51]

2. Administration of justice, including impunity, and the rule of law[52]

26. The Special Rapporteur noted that, with regard to the judiciary, problems included a lack of accountability, severe backlogs of pending cases, a lack of judges, discriminatory and patriarchal attitudes and the incorrect formulation of cases.[53] The country team was concerned that the case management system had overloaded the judiciary with a large backlog and recommended that Bangladesh take legislative, legal and institutional measures to remedy that situation.[54]

27. The Committee on the Elimination of Discrimination against Women was concerned about the lack of access to justice for women and that the Legal Aid Fund was largely inaccessible for them. It recommended that Bangladesh ensure that all women and girls, including stateless women, refugees and representatives of ethnic minorities, had effective access to justice.[55]

28. The Special Rapporteur had been informed that law enforcement agencies often failed to uphold the relevant legal standards when dealing with cases of violence against women. The existence of parallel legal systems, such as *salish*, further compounded the denial of effective justice.[56]

3. Fundamental freedoms and the right to participate in public and political life[57]

29. The Special Rapporteur on freedom of religion or belief recommended that Bangladesh protect its vibrant, pluralistic civil society by addressing the anxiety of vulnerable religious minorities and indigenous peoples in relation to rising religious extremism and acts of violence.[58]

30. The Human Rights Committee and the Special Rapporteur on freedom of religion were concerned about limitations on the rights to freedom of opinion, expression and association, particularly the lack of police protection, as well as death threats, physical attacks, intimidation and harassment of journalists, bloggers and human rights defenders under the Information and Communication Technology Act of 2006 (amended in 2013), a de facto blasphemy law that limited freedom of opinion and expression using vague and overbroad terminology to criminalize as cognizable and non-bailable offences the online publication of information that hurt "religious sentiment" or prejudiced "the image of the State".[59] The Special Rapporteur observed that section 57 of the Act created an atmosphere of legal insecurity, making people afraid of participating in public debates on sensitive issues, and that its application was wider and the punishments threatened more draconian than under the Criminal Code. He also noted that section 57 — referred to by some as the "online version" of section 295 A of the Criminal Code, with wider application and more draconian punishments — had become controversial, and he hoped it would be repealed in the future.[60] He recommended that Bangladesh repeal restrictive legislation, such as the Act, that prevented civil society activists from voicing their criticism and concerns without fear of sanctions.[61] The country team recommended that it monitor the enforcement of the Right to Information Act, adopt a plan of action for the implementation of that Act and consider repealing section 57, which limited the right to freedom of expression and free speech.[62] UNESCO encouraged Bangladesh to decriminalize defamation and subsequently incorporate it into the Civil Code in accordance with international standards,[63] and to take steps to create an independent broadcast licensing authority.[64]

31. UNESCO recommended that Bangladesh further investigate the killings of journalists and continue to report to it voluntarily on the status of judicial follow-up.[65]

32. The country team remained aware of possible restrictions that the Foreign Donations (Voluntary Activities) Regulation Act 2016 might impose on civil society organizations. It recommended that Bangladesh amend the Act[66] and noted that organizations working on issues relating to lesbian, gay, bisexual, transgender and intersex persons found it difficult to expose them publicly due to threats from religious extremists and recent killings of activists on those issues.[67]

33. The Human Rights Committee was concerned that violence during elections, such as the excessive use of force by State actors during the January 2014 election, hindered the rights of voters to participate in free and fair elections. Bangladesh should ensure the safety and security of all voters during elections.[68]

4. Prohibition of all forms of slavery[69]

34. The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women were concerned that trafficking in women and girls continued to be a major problem, and that they were subjected to forced labour and sexual exploitation.[70] The Committee recommended that Bangladesh implement effectively the Prevention and Suppression of Human Trafficking Act and the related

Action Plan and set up specialized tribunals to punish human traffickers.[71] The country team acknowledged the initiatives taken to combat trafficking by enacting in 2016 the Human Trafficking Deterrence and Suppression Rules under the 2012 Act, and the National Plan of Action 2015–2017. It recommended that it implement those instruments and initiatives.[72]

35. The Committee on the Rights of the Child was concerned about the prevalence of trafficking and exploitation of children and that the prohibition of involvement in prostitution applied only to children under the age of 10.[73] It recommended that Bangladesh strengthen its cooperation with South Asian countries to combat trafficking in children across States.[74]

5. Right to privacy and family life[75]

36. The Committee on the Elimination of Discrimination against Women, the Special Rapporteur on violence against women and the Special Rapporteur on freedom of religion were concerned that the personal status laws continued to discriminate against women and girls and that Bangladesh had not adopted a unified family code applicable equally to members of all religions and confessions. They urged Bangladesh to review and repeal all discriminatory laws and legal provisions, particularly personal status laws, and adopt a unified family code.[76]

37. The Special Rapporteur on freedom of religion noted the alleged announcement of a ban on marriage between Bangladeshi nationals and non-citizens, such as the Rohingya, to avoid the latter using marriage to gain citizenship. A circular had been issued to that effect, providing a strict directive to district registrars to refrain from registering those marriages.[77]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[78]

38. The Committee on the Elimination of Discrimination against Women was concerned at the persistent wage gap between women and men in most sectors and the unsafe working conditions for women and recommended that Bangladesh regulate and monitor the working conditions of women employed in the garment sector, through regular inspections and increased fines for abusive employers.[79] The country team recommended that Bangladesh address the persistent gender wage gap and address obstacles that deterred women from entering the workforce.[80]

39. The country team recommended that Bangladesh ensure that the Labour Act, Labour Rules and draft Export Processing Zones Labour Act were in conformity with the provisions of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), particularly in bringing down the membership requirement to form a trade union from 30 per cent to 10 per cent.[81] The Committee on Migrant Workers recommended that it increase labour inspections and sanction persons or groups that exploited migrant workers or subjected them to forced labour and abuse, in line with the targets 8.7 and 16.2 of the Sustainable Development Goals.[82] It also recommended that Bangladesh amend the Labour Act of 2006 to include a prohibition of discrimination enumerated in the Convention, with respect to all aspects of employment and occupation and covering all workers.[83]

2. Right to social security[84]

40. The country team recommended that Bangladesh address gender, ethnicity and region when planning the inclusive social safety net programme.[85]

3. Right to an adequate standard of living[86]

41. The country team recommended that Bangladesh improve the availability of safe food in domestic markets and implement the Food Safety Act 2013. The improvement of food security, public health and animal disease control were also needed.[87]

42. The Committee on the Elimination of Discrimination against Women remained concerned about the high rates of poverty and malnutrition among women and girls of disadvantaged and marginalized communities, who reportedly had limited access to social security benefits and programmes.[88]

43. The Committee on the Rights of the Child was concerned about the limited access to safe drinking water and adequate sanitation, particularly in rural areas and slums.[89]

44. The country team recommended that Bangladesh consider providing shelter to or rehabilitate slum dwellers before eviction.[90]

4. Right to health[91]

45. The country team noted that the neonatal mortality rate remained high, 37 deaths per 1,000 live births, and the increasing gap in morbidity and mortality rates between the rich and the poor. It urged Bangladesh to address the challenges to reduce maternal and infant mortality rate.[92] The Special Rapporteur on violence against women remained concerned that maternal deaths continued to be responsible for 14 per cent of all deaths among Bangladeshi women of reproductive age, mostly due to the lack of access to comprehensive medical care.[93]

46. The Human Rights Committee was concerned that abortion was criminalized except when the life of the women was in danger, which prompted women to resort to unsafe abortions. It was also concerned at the high rate of adolescent pregnancy connected to early marriage resulting in maternal mortality and suggested that Bangladesh review its legislation to provide for additional exceptions to the legal ban on abortion and ensure adequate medical services.[94] The Committee on the Elimination of Discrimination against Women raised similar concerns.[95]

47. The same Committee was concerned that women and girls living with HIV/AIDS and women in prostitution had limited access to health services. It recommended that Bangladesh ensure their access to such services and take measures to combat their stigmatization and social ostracism.[96] The Committee on the Rights of the Child raised similar concerns.[97]

48. The same Committee was concerned about regional disparities in the provision of health services, particularly in slums and rural areas, and recommended that Bangladesh develop and implement policies to improve health infrastructures and intensify training programmes for health professionals.[98]

5. Right to education[99]

49. UNESCO and the country team noted that the Constitution did not enshrine explicitly the right to free and compulsory education and that Bangladesh lacked comprehensive legislation governing the education system. They encouraged Bangladesh to enshrine the right to education in the Constitution and to establish a legal framework by adopting the national education bill, in line with international standards, including free and compulsory education at least up to 13 years of age.[100] UNESCO considered compulsory education as defined by law was below international standards, notably Goal 4 of the Sustainable Development Goals. It noted that the draft education bill was under review.[101]

50. The Committee on the Elimination of Discrimination against Women noted with concern that the number of girls in school fell by half between the primary and secondary levels owing to child marriage, sexual harassment and early pregnancy, the low value placed on girls' education, poverty and the long distances to schools in rural and marginalized communities. It recommended that Bangladesh adopt policies enabling young mothers to return to school immediately after giving birth.[102]

51. The Committee on the Rights of the Child was concerned about the limited implementation in 2010 of the National Education Policy. It urged Bangladesh to increase the budget and ensure the Policy was implemented.[103]

D. Rights of specific persons or groups

1. Women[104]

52. The Special Rapporteur on violence against women considered patriarchal attitudes and stereotypical views that caused gender inequality and power imbalances to be the root causes of violence.[105] She recommended that Bangladesh amend the Constitution explicitly to extend the application of equal rights guarantees in accordance with the Convention on the Elimination of All Forms of Discrimination against Women.[106] The Committee on the Elimination of Discrimination against Women recommended that it give a mandate to its national machinery for the advancement of women to promote effectively women's rights and gender equality.[107]

53. The Human Rights Committee was concerned at the inconsistent implementation of laws, particularly in the light of the reportedly high rates of domestic and sexual violence against women and girls.[108] The Committee on the Elimination of Discrimination against Women noted with concern that gender-based violence against women and girls persisted, including domestic violence, rape, fatwa-instigated violence, dowry-related violence and sexual harassment. It also noted that marital rape was not criminalized, unless the victim was below the age of 13 years. It recommended that Bangladesh adopt legislation criminalizing all forms of violence against women and girls, including marital rape, and ensure that perpetrators were punished and victims protected and rehabilitated.[109] The Special Rapporteur on violence against women noted that women with disabilities, indigenous and minority women and migrant workers faced multiple forms of discrimination, with an estimated 60 per cent of married women experiencing domestic violence.[110] The Special Rapporteur on freedom of religion noted that, despite the Anti-Dowry Prohibition Act, the tradition persisted and contributed to placing women in the humiliating position of being objects of bargaining.[111]

54. The Special Rapporteur on violence against women reported that the prevalence of acid attacks remained problematic, and that such attacks occurred within the family and the community. Such acts generally followed refused demands for sex or marriage proposals and aimed to damage the victim's appearance in order to destroy her marriage prospects. Rape was the second most commonly acknowledged form of violence against women and girls after domestic violence, yet victims seldom sought legal redress. Sexual harassment was also commonplace in various working environments and was sometimes justified as being "part of the culture", by State and non-State actors. Many women sought redress through the traditional justice system, also known as *salish*, potentially resulting in their double victimization. Community violence was reportedly perpetrated against representatives of women's rights organizations and related human rights organizations.[112] The Special Rapporteur recommended that Bangladesh review and evaluate criminal and civil laws, remove provisions allowing for or condoning violence against women and deal with them by formal judicial mechanisms.[113] The country team recommended that it put more emphasis on preventing gender-based violence and on policy and legal reform to meet the Sustainable Development Goals and the gender equality targets in the seventh five-year plan, and review the National Action Plan for 2013–2025 on violence against women.[114]

2. Children[115]

55. The Committee on the Rights of the Child expressed serious concern about deep-rooted stereotypes regarding the roles and place of children, particularly girls. Such stereotyping contributed to the persistence of violence against children and harmful practices, including child marriage.[116]

56. The Human Rights Committee, the Special Rapporteur on violence against women and the country team observed that Bangladesh had one of the world's highest rates of child marriage, which remained a major problem despite being outlawed by the Child Marriage Restraint Act 2016. They remained concerned that marriage below the age of 18 was permitted in "special circumstances". They reported that 66 per cent of girls married before the age of 18, and recommended that it amend the Act to maintain the legal minimum age at 18 years, in accordance with international norms and to prevent any misuse of the law,

and that it remove the exceptions mentioned.[117] The Special Rapporteur noted that Bangladesh had one of the lowest birth registration rates, which hindered the effective implementation of laws against child marriage. In rural areas, some parents felt compelled to marry off their girl children as a "protective measure" against rape and resorted to obtaining false birth certificates. She recommended that it take urgent legislative measures to prohibit early and forced marriages.[118] The Committee recommended that Bangladesh reduce early marriage and prevent dowry practices, by enforcing the laws.[119] The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women raised similar concerns and made similar recommendations.[120] The country team reported that a significant percentage of the Rohingya population that had fled to Bangladesh were children, and that ensuring their rights was a challenge. It recommended that Bangladesh appoint an ombudsperson for children.[121]

57. The Committee on the Rights of the Child was deeply concerned that the prohibition of involvement in prostitution applied only to children under the age of 10. It recommended that Bangladesh criminalize the exploitation of children for prostitution, take measures to prevent exploitation and provide victims with rehabilitation and care.[122]

58. The same Committee was concerned about the significant number of children working and living in street situations and their vulnerability to drugs, sexual abuse and economic exploitation. It recommended that Bangladesh provide children in street situations with the necessary protection.[123]

59. The Committee was concerned that the minimum age of criminal responsibility (9) was still very low and urged Bangladesh to raise it to internationally acceptable standards.[124]

3. Persons with disabilities[125]

60. UNESCO encouraged Bangladesh to consider revising the Disability Act to adopt an inclusive education perspective.[126] The country team recommended that it implement fully the Act and adopt a national action plan including an adequate budget allocation.[127]

61. The Committee on the Rights of the Child was concerned at the persistence of negative attitudes and discrimination against children with disabilities, a high number of whom were deprived of education. Children with disabilities faced major obstacles in gaining access to education and appropriate social and health-care services.[128] The Committee and the Special Rapporteur on violence against women urged Bangladesh to adopt a human rights-based approach to disability, create a comprehensive strategy for the inclusion of children with disabilities and ensure access to health care.[129]

4. Minorities and indigenous peoples[130]

62. The Special Rapporteur on violence against women had received information on high levels of violence, including rape and sexual assault, against women from religious and ethnic minority communities, with Dalits, Hindus and indigenous groups being most at risk. They were commonly victims of *salish*/fatwa-related violence. Most such violations remained unpunished, and human rights activists had been abducted by members of the Bangladesh Army in the Chittagong Hill Tracts and subjected to harassment, arbitrary arrests and detention.[131]

63. The country team and the Human Rights Committee recommended that Bangladesh ensure legal and constitutional protection of indigenous and religious minorities, facilitate the reporting of violations of the rights of indigenous peoples and resolve land disputes through the implementation of the Chittagong Hill Tracts Land Dispute Resolution Commission (amended) Act 2016 and through the use of an independent land commission.[132]

64. The Human Rights Committee, the Special Rapporteur on freedom of religion and the country team were concerned that violence against indigenous women was related to land-grabbing in the Chittagong Hills Tract. They recommended that Bangladesh ensure that cases of violence against women and allegations of land-grabbing were investigated

thoroughly, that perpetrators were prosecuted and the victims given full reparations, and that the rights of indigenous peoples and religious minorities to their land were protected.[133]

65. The Committee on the Rights of the Child was concerned about the lack of recognition of indigenous identity of the Adivasi indigenous peoples. It recommended that Bangladesh take all measures necessary to protect minority and indigenous children from discrimination and violence.[134]

5. Migrants, refugees, asylum seekers and internally displaced persons[135]

66. The Committee on Migrant Workers noted that Bangladesh was becoming a country of destination and transit and that efforts were needed to protect migrant workers.[136] It and the country team recommended that Bangladesh decriminalize irregular entry into the country under the 1946 Foreigners Act and ensure that border governance measures addressed and combated all forms of discrimination at international borders.[137]

67. The Committee on Migrant Workers was concerned about reports that undocumented nationals of Myanmar working in Bangladesh were frequently subjected to sexual and gender-based violence and labour exploitation, and that Indian migrant workers were subjected to debt bondage in the brick kiln sector.[138] It and the Committee on the Elimination of Discrimination against Women recommended that Bangladesh ensure that migrant workers and members of their families, including those in an irregular situation, had opportunities to file complaints and obtain effective redress in the courts.[139]

68. The country team, the Committee on Migrant Workers and the Special Rapporteur on violence against women estimated that there were approximately 7.7 million Bangladeshi migrants worldwide suffering various forms of abuse during the migration process and upon arrival. Despite existing comprehensive legal and administrative structures, the lack of adequate resources had impaired State efforts to cope with the needs of the increasing number of migrant workers.[140] The Committee was concerned that the bill on immigration and the implementation of rules concerning the Overseas Employment and Migrants' Act had not yet been adopted. It recommended that Bangladesh ensure that the legislation was in full conformity with the Convention and that it adopt that bill.[141] It acknowledged the various measures taken to facilitate remittances and strengthen consular assistance, and recommended that Bangladesh establish a reference wage for domestic workers and strengthen its cooperation with States of employment to protect the rights of domestic migrant workers and facilitate the repatriation of all migrant workers in need. The Committee recommended that Bangladesh strengthen its free legal and other support to families of deceased migrant workers.[142]

69. UNHCR commended Bangladesh for its continuing efforts and called upon all countries in the region to show solidarity and do their part in keeping their borders open and protecting refugees who were fleeing discrimination, persecution and violence in Myanmar. According to latest estimates, as at 28 September 2017, more than half a million Rohingya refugees had arrived in Bangladesh from Rakhine State, Myanmar. The massive influx of people seeking safety had outpaced response capacities. The emergency was characterized by enormous and acute humanitarian needs in a country that was already hosting an estimated 350,000 Rohingya refugees and was trying to cope with pressing needs and challenges of its own.[143]

70. UNHCR was concerned about increasing gender-based violence against unregistered Rohingya women and girls. It recommended that Bangladesh ensure that all refugee and stateless women and girls had effective access to justice without being threatened with arrest, by amending the 1946 Foreigners Act.[144] The Committee on the Rights of the Child welcomed the adoption in 2013 of a national strategy on Myanmar refugees and undocumented Myanmar nationals. It was concerned that refugee children born outside the camps did not have birth certificates and recommended that Bangladesh provide them with birth registration and access to basic rights, such as to health and education, irrespective of their legal status.[145]

71. The Special Rapporteur on violence against women had received reports of human rights violations against Rohingya women in the Kutupalong refugee camp in Cox's Bazar.[146]

72. UNHCR noted that there was no institutionalized approach for addressing the protection needs of asylum seekers and refugees. It recommended that Bangladesh develop a national asylum mechanism and enact national refugee legislation.[147] The Human Rights Committee was concerned that Bangladesh intended to relocate refugees to Thengar Char, an island that lacked basic human rights infrastructure. It recommended that Bangladesh ensure refugees were not forcibly relocated.[148] The Committee on the Rights of the Child raised similar concerns.[149]

73. UNHCR, the Committee on Migrant Workers, the Human Rights Committee and the Committee on the Rights of the Child recommended that Bangladesh implement legislative and administrative measures to comply fully with the principle of non-refoulement.[150]

6. Stateless persons[151]

74. UNHCR noted that Bangladesh had taken measures to prevent and reduce statelessness, and recommended that it review the draft citizenship bill in line with international standards.[152] The Committee on the Elimination of Discrimination against Women was concerned that the Citizenship (Amendment) Act 2009 did not apply retroactively to children born before it entered into force. It recommended that Bangladesh provide citizenship to all children born to a Bangladeshi parent and ensure that such laws were applied retroactively to children born before the Act entered into force.[153] The Committee on Migrant Workers and UNHCR recommended that Bangladesh ensure that all children of migrant workers were registered at birth and issued personal identity documents in line with target 16.9 of the Sustainable Development Goals, and amend the Citizenship Act 1951 to allow children born to Bangladeshi mothers before 31 December 2008 to acquire Bangladeshi citizenship.[154]

75. The Committee on the Rights of the Child noted that the birth registration rate in 2013 remained at 37 per cent for children under the age of 5. It urged Bangladesh to increase birth registration and register all children who had not yet been registered.[155]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Bangladesh will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/BDIndex.aspx.

[2] For the relevant recommendations, see A/HRC/21/16, paras. 129.1–129.3, 129.45, 129.47–129.52, 130.1–130.10, 130.14 and 130.16–130.18.

[3] See United Nations country team submission for the universal periodic review of Bangladesh, paras. 4, 8, 30, 39 and 46.

[4] See CMW/C/BGD/CO/1, para. 12, and CEDAW/C/BGD/CO/8, para. 50.

[5] See CCPR/C/BGD/CO/1, paras. 8 and 24.

[6] UNESCO submission for the universal periodic review of Bangladesh, p. 4; and country team submission, paras. 4, 8, 30, 39 and 46.

[7] See CRC/C/BGD/CO/5, para. 85.

[8] Ibid., and country team submission, paras. 4 and 30.

[9] UNHCR submission for the universal periodic review of Bangladesh, pp. 3 and 5; country team submission, paras. 9 and 30; A/HRC/26/38/Add.2, para. 86 (a) (i) and (iii); CRC/C/BGD/CO/5, para. 71; CCPR/C/BGD/CO/1, para. 32; and CEDAW/C/BGD/CO/8, para. 27.

[10] UNHCR submission, pp. 3 and 5; and CMW/C/BGD/CO/1, para. 40.

[11] See CMW/C/BGD/CO/1, para. 32.

[12] See CRC/C/BGD/CO/5, para. 75; CMW/C/BGD/CO/1, para. 50; and CEDAW/C/BGD/CO/8, para. 33.

[13] See A/HRC/26/38/Add.2, para. 86 (a) (i) and (iii).

[14] See CMW/C/BGD/CO/1, para. 56.

[15] See CEDAW/C/BGD/CO/8, para. 8.

[16] Ibid., para. 49; and A/HRC/26/38/Add.2, para. 86 (a) (ii).

[17] See country team submission, para. 30.

[18] See CRC/C/BGD/CO/5, para. 7.

[19] UNESCO submission for the universal periodic review of Bangladesh, p. 5.

[20] See CMW/C/BGD/CO/1, para. 11.

[21] See country team submission, paras. 5–6.
[22] Ibid., paras. 4, 8, 30, 37 and 46.
[23] Ibid., paras. 7, 16 and 30.
[24] For the relevant recommendations, see A/HRC/24/12, paras. 129.4–129.5, 129.25–129.31, 129.39, 129.42–129.44, 130.11 and 130.13–130.15.
[25] See CCPR/C/BGD/CO/1, paras. 5–6; CMW/C/BGD/CO/1, paras. 19–20; country team submission, para. 35; and A/HRC/26/38/Add.2, para. 86 (a) (ix) and (x).
[26] See A/HRC/26/38/Add.2, para. 86 (a) (ix) and (x).
[27] See country team submission, para. 22.
[28] For the relevant recommendations, see A/HRC/24/12, paras. 129.24, 129.56–129.57, 129.144, 130.15 and 131.2.
[29] See CRC/C/BGD/CO/5, paras. 24–25.
[30] See CCPR/C/BGD/CO/1, para. 11.
[31] See country team submission, para. 23.
[32] UNESCO submission, p. 6.
[33] See country team submission, paras. 34 and 44.
[34] For the relevant recommendations, see A/HRC/24/12, paras. 129.126, 129.128, 129.153, 129.159 and 129.161–129.164.
[35] See A/HRC/26/38/Add.2, para. 86 (a) (xvi).
[36] See CEDAW/C/BGD/CO/8, para. 38.
[37] For the relevant recommendation, see A/HRC/24/12, para. 129.15.
[38] See CCPR/C/BGD/CO/1, paras. 9–10.
[39] See country team submission, para. 36.
[40] For the relevant recommendations, see A/HRC/24/12, paras. 129.15, 129.67–129.68, 129.72, 129.75, 129.93, 130.18–130.20, 131.1 and 131.3–131.5.
[41] See CCPR/C/BGD/CO/1, para. 23.
[42] See country team submission, para. 19.
[43] See CCPR/C/BGD/CO/1, paras. 19–20.
[44] Ibid., para. 20; and country team submission, para. 45.
[45] See country team submission, para. 45.
[46] See CCPR/C/BGD/CO/1, paras. 21–22.
[47] Ibid., para. 25.
[48] See country team submission, paras. 45 and 20.
[49] See A/HRC/26/38/Add.2, paras. 19.
[50] See CRC/C/BGD/CO/5, paras. 40–41.
[51] Ibid., para. 75.
[52] For the relevant recommendations, see A/HRC/24/12, paras. 129.10, 129.25, 129.32–129.33, 129.68, 129.73–129.76, 129.78–129.86, 129.92, 129.159 and 130.20.
[53] See A/HRC/26/38/Add.2, para. 78.
[54] See country team submission, para. 31.
[55] See CEDAW/C/BGD/CO/8, paras. 12–13.
[56] See A/HRC/26/38/Add.2, para. 32.
[57] For the relevant recommendations, see A/HRC/24/12, paras. 129.21, 129.77, 129.99–129.98, 129.101–129.106 and 129.151.
[58] See A/HRC/31/18/Add.2, para. 104 (e).
[59] See CCPR/C/BGD/CO/1, paras. 27–28; and A/HRC/31/18/Add.2, para. 38.
[60] See A/HRC/31/18/Add.2, paras. 38 and 84–88.
[61] Ibid., para. 104 (l).
[62] See country team submission, para. 24.
[63] UNESCO submission, p. 6.
[64] Ibid.
[65] Ibid.
[66] See country team submission, para. 17.
[67] Ibid., para. 27.
[68] See CCPR/C/BGD/CO/1, paras. 29–30.
[69] For the relevant recommendations, see A/HRC/24/12, paras. 129.12–129.14, 129.16–129.20, 129.37 and 129.52.
[70] See A/HRC/26/38/Add.2, para. 23; and CEDAW/C/BGD/CO/8, para. 20.
[71] See CEDAW/C/BGD/CO/8, paras. 20–21.
[72] See country team submission, para. 46.
[73] See CRC/C/BGD/CO/5, para. 42.
[74] Ibid., paras. 78–79.
[75] For the relevant recommendations, see A/HRC/24/12, paras. 129.96–129.97, 130.9 and 131.2.

[76] See CEDAW/C/BGD/CO/8, paras. 10–11 and 42–43; A/HRC/31/18/Add.2, paras. 104 (m); and A/HRC/26/38/Add.2, paras. 29, 31 and 86 (a) (v).
[77] See A/HRC/31/18/Add.2, para. 25.
[78] For the relevant recommendations, see A/HRC/24/12, paras. 129.6, 129.21, 129.23, 129.107–129.114, 129.130, 130.12 and 130.21.
[79] See CEDAW/C/BGD/CO/8, paras. 30–31.
[80] See country team submission, para. 49.
[81] Ibid., para. 32. See also www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3297151.
[82] See CMW/C/BGD/CO/1, paras. 31–32.
[83] Ibid., para. 26.
[84] For the relevant recommendations, see A/HRC/24/12, paras. 129.116, 129.119, 129.125 and 129.160.
[85] See country team submission, para. 21.
[86] For the relevant recommendations, see A/HRC/24/12, paras. 129.36, 129.115, 129.118, 129.120–129.124, 129.126–129.129, 129.138, 129.140, 129.143 and 129.161.
[87] See country team submission, para. 40.
[88] See CEDAW/C/BGD/CO/8, para. 36.
[89] See CRC/C/BGD/CO/5, para. 64.
[90] See country team submission, para. 40.
[91] For the relevant recommendations, see A/HRC/24/12, paras. 129.7, 129.9, 129.57, 129.131–129.141 and 129.147.
[92] See country team submission, para. 41.
[93] See A/HRC/26/38/Add.2, para. 45.
[94] See CCPR/C/BGD/CO/1, paras. 15–16.
[95] See CEDAW/C/BGD/CO/8, paras. 34–35.
[96] Ibid., paras. 34–35.
[97] See CRC/C/BGD/CO/5, paras. 62–63.
[98] Ibid., paras. 54–55.
[99] For the relevant recommendations, see A/HRC/24/12, paras. 129.6–129.7, 129.138–129.142 and 129.57.
[100] See country team submission, para. 39; and UNESCO submission, pp. 1 and 6.
[101] See UNESCO submission, pp. 4–6. See also A/HRC/24/12, paras. 129.7, 129.24, 129.138–129.139, 129.142–129.144 and 129.146.
[102] See CEDAW/C/BGD/CO/8, paras. 28–29.
[103] See CRC/C/BGD/CO/5, paras. 66–67.
[104] For the relevant recommendations, see A/HRC/24/12, paras. 129.7–129.11, 129.23, 129.31, 129.41, 129.52, 129.57–129.66, 129.69–129.70, 129.86–129.88, 129.90, 129.92, 129.95, 129.105–129.107, 129.117 and 130.24.
[105] See A/HRC/26/38/Add.2, para. 5.
[106] Ibid., para. 86 (a) (iv).
[107] See CEDAW/C/BGD/CO/8, para. 14–15.
[108] See CCPR/C/BGD/CO/1, para. 8 and paras. 17–18.
[109] See CEDAW/C/BGD/CO/8, paras. 18–19.
[110] See A/HRC/26/38/Add.2, paras. 6–8.
[111] See A/HRC/31/18/Add.2, para. 75.
[112] See A/HRC/26/38/Add.2, paras. 11–17.
[113] Ibid., para. 86 (a) (vii), (viii), (xi) and (xii) and (b) (i) and (viii).
[114] See country team submission, para. 49.
[115] For the relevant recommendations, see A/HRC/24/12, paras. 129.1, 129.4, 129.6, 129.18–129.19, 129.22–129.23, 129.40–129.41, 129.52, 129.60–129.61, 129.63–129.66, 129.71, 129.90, 129.94–129.95, 129.88, 129.108–129.109, 129.117, 129.131, 129.134, 129.136, 129.142, 129.145–129.148, 129.150, 130.12, 130.19, 130.23–130.24 and 131.1.
[116] See CRC/C/BGD/CO/5, para. 26.
[117] See A/HRC/26/38/Add.2, para. 10; country team submission, para. 43; and CCPR/C/BGD/CO/1, paras. 13–14.
[118] See A/HRC/26/38/Add.2, paras. 47 and 86 (a) (xiv).
[119] See CCPR/C/BGD/CO/1, paras. 13–14.
[120] See CRC/C/BGD/CO/5, paras. 44–45; CEDAW/C/BGD/CO/8, para. 17.
[121] See country team submission, para. 43.
[122] See CRC/C/BGD/CO/5, paras. 42–43.
[123] Ibid., paras. 76–77.
[124] Ibid., paras. 80–81.

[125] For the relevant recommendations, see A/HRC/24/12, paras. 129.6, 129.22–129.23, 129.64, 129.117 and 129.145–129.150.
[126] UNESCO submission, p. 6.
[127] See country team submission, para. 22.
[128] See CRC/C/BGD/CO/5, paras. 52–53.
[129] Ibid., and A/HRC/26/38/Add.2, para. 86 (a) (xv).
[130] For the relevant recommendations, see A/HRC/24/12, paras. 129.93, 129.98–129.100, 129.117, 129.151–129.153, 130.5–130.6, 130.15 and 130.22–130.24.
[131] See A/HRC/26/38/Add.2, paras. 11–17 and 34.
[132] See CCPR/C/BGD/CO/1, para. 12, and country team submission, para. 22.
[133] See CCPR/C/BGD/CO/1, paras. 8 and 17–18; A/HRC/31/18/Add.2, para. 104 (i), and country team submission, para. 22.
[134] See CRC/C/BGD/CO/5, paras. 72–73.
[135] For the relevant recommendations, see A/HRC/24/12, paras. 129.2–129.3, 129.154–129.58, 130.7, 130.23 and 130.25–130.27.
[136] See CMW/C/BGD/CO/1, para. 4.
[137] Ibid., paras. 29–30, and country team submission, para. 38.
[138] See CMW/C/BGD/CO/1, paras. 31–32.
[139] Ibid., paras. 27–28, and CEDAW/C/BGD/CO/8, paras. 32–33.
[140] See country team submission, para. 33; CMW/C/BGD/CO/1, paras. 49–50, and A/HRC/26/38/Add.2, para. 24.
[141] See CMW/C/BGD/CO/1, paras. 9–10.
[142] Ibid., paras. 35–36, 49–50, 54 and 57–58.
[143] UNHCR submission, p. 1. See also A/HRC/24/12, paras. 129.3, 129.155–129.157 and 130.27.
[144] UNHCR submission, pp. 3–4.
[145] See CRC/C/BGD/CO/5, paras. 70–71.
[146] See A/HRC/26/38/Add.2, paras. 21–22.
[147] UNHCR submission, pp. 2 and 11.
[148] See CCPR/C/BGD/CO/1, paras. 8 and 31–32.
[149] See CRC/C/BGD/CO/5, paras. 70–71.
[150] UNHCR submission, p. 3; CMW/C/BGD/CO/1, paras. 29–30; CCPR/C/BGD/CO/1, paras. 8 and 31–32; and CRC/C/BGD/CO/5, paras. 70–71.
[151] For the relevant recommendations, see A/HRC/24/12, paras. 129.3, 130.7 and 130.27.
[152] UNHCR submission, pp. 2 and 4. See also A/HRC/24/12, para. 129.95.
[153] See CEDAW/C/BGD/CO/8, paras. 26–27.
[154] See CMW/C/BGD/CO/1, paras. 39–40, and UNHCR submission, pp. 2 and 4. See also A/HRC/24/12, para. 129.95.
[155] See CRC/C/BGD/CO/5, paras. 34–35.